

EXHIBIT D

TO

PLAINTIFF'S RESPONSE

TO DEFENDANT'S

MOTION TO DISMISS

SECOND AMENDED

COMPLAINT

**U.S. Bankruptcy Court
Western District of North Carolina (Asheville)
Bankruptcy Petition #: 01-10562**

Assigned to: George R. Hodges
Chapter 7
Previous chapter 11
Voluntary
Asset

Date filed: 05/23/2001
Date converted: 02/20/2002
Date terminated: 02/24/2005

Debtor
Summit Place, LLC
PO Box 1380
Waynesville, NC 28786
HAYWOOD-NC
Tax ID / EIN: 56-1998801
dba Willow Estates

represented by **Summit Place, LLC**
PRO SE

David G. Gray
81 Central Avenue
Asheville, NC 28801
828.254.6315
Email: judyhj@bellsouth.net
TERMINATED: 02/25/2002

Trustee
Lloyd T. Whitaker

represented by **Alala Mullen Holland & Cooper, P.A.**
P. O. Box 488
Gastonia, NC 28053-0488

Langdon M. Cooper
Mullen Holland & Cooper, P. A.
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U.S. Trustee
U.S. Bankruptcy Administrator
402 W. Trade Street
Suite 200
Charlotte, NC 28202-1669
(704)350-7587

Filing Date	#	Docket Text
05/23/2001	<u>1</u>	Voluntary Petition Under Chapter 11. Filing fee collected, Receipt #5466, Fee Amount \$ 830 filed by David G. Gray on behalf of Summit Place, LLC . Chapter 11 Plan due by 9/20/2001. Disclosure Statement due by 9/20/2001. (edc,) (Entered: 05/24/2001)
05/24/2001		Request for BNC Order and Notice of 341(a) Meeting of Creditors (Chapter 11). . 341(a) meeting to be held on 6/27/2001 at 01:00 PM at 1-Asheville 341 Meeting Rm. Proof of Claims due by 9/26/2001. (edc,) (Entered: 05/24/2001)
05/27/2001	<u>2</u>	Order and Notice of 341(a) Meeting w/BNC Certificate of Service Service Date 05/27/01. (Admin.) (Entered: 05/28/2001)
		Application w/Affidavit to Employ Attorney David G. Gray as Attorney for Debtor in

05/29/2001	<u>3</u>	<i>Possession</i> Filed by Summit Place, LLC. (edc,) CORRECTIVE ENTRY: INCORRECT PDF FILE ATTACHED; CORRECT PDF FILE IS NOW ATTACHED Modified on 5/30/2001 (edc,). Additional attachment(s) added on 5/30/2001 (edc,). (Entered: 05/30/2001)
05/30/2001		Clerk's Entry to Denote Correction to Docket - Served On: GRAY(related document(s) <u>3</u>). CORRECTIVE ENTRY: INCORRECT PDF FILE ATTACHED; CORRECT PDF FILE IS NOW ATTACHED (edc,) (Entered: 05/30/2001)
05/30/2001	<u>4</u>	Order Granting Application to Employ Attorney David G. Gray as Attorney for Debtor in Possession (Related Doc # <u>3</u>) Served On: GRAY (edc,) (Entered: 05/30/2001)
06/04/2001	<u>5</u>	BA's Notice to 20 Largest Unsecured Creditors. (edc,) (Entered: 06/05/2001)
06/05/2001	<u>6</u>	Chapter 11 Operating Order Served On: IRS, NC DEPT. OF REVENUE, DEBTOR, GRAY, BA (edc,) (Entered: 06/05/2001)
06/05/2001	<u>7</u>	Notice of Appearance filed by Barbara Heck on behalf of R.C.F., Inc.. (sll,) (Entered: 06/07/2001)
06/15/2001	<u>8</u>	Motion To Continue Section 341(a) Meeting of Creditors To July 11, 2001 @ 1:00 p.m. Filed by David G. Gray on behalf of Summit Place, LLC. Hearing scheduled for 6/20/2001 at 09:30 AM at 1-Main Courtroom First Floor. (edc,) (Entered: 06/19/2001)
06/20/2001		Disposition of Hearing Held (related document(s) <u>8</u>). - GRANTED (edc,) (Entered: 06/21/2001)
06/21/2001	<u>9</u>	Request for Notices and, Notice of Appearance filed by Edward C. Hay Jr. on behalf of Mortgage Miracles, Inc.. (edc,) (Entered: 06/22/2001)
07/11/2001		Memorandum from 341(a) Meeting of Creditors Held - <i>DEBTOR REPRESENTATIVE - SWORN</i> . (edc,) (Entered: 08/07/2001)
07/13/2001	<u>10</u>	Notice of Address Change for <i>J. B. Solebee</i> filed by David G. Gray on behalf of Summit Place, LLC. (edc,) (Entered: 07/18/2001)
07/13/2001		Receipt of Amendment Filing Fee. Receipt Number 5842; Fee Amount \$ 20 (related document (s) <u>10</u>). (edc,) (Entered: 07/18/2001)
07/13/2001	<u>11</u>	Motion for Relief from Stay. Property Description: <i>Real Property described in the attached Deed of Trust</i> Filed by Mark A. Pinkston on behalf of James B. Soesbee, Mary Lou Morrow Soesbee. Hearing scheduled for 8/21/2001 at 10:00 AM at 1-Main Courtroom First Floor. (edc,) (Entered: 07/19/2001)
07/13/2001		Receipt of Motion RS Filing Fee. Receipt Number 5841; Fee Amount \$ 75 (related document (s) <u>11</u>). (edc,) (Entered: 07/19/2001)
07/23/2001	<u>12</u>	Order Granting Motion (Related Doc # <u>8</u>) Served On: GRAY (edc,) (Entered: 07/23/2001)
07/30/2001	<u>13</u>	Response/Objection (related document(s) <u>11</u>) Filed by Summit Place, LLC. (edc,) (Entered: 08/01/2001)
08/03/2001	<u>14</u>	Motion for Relief from Stay. Property Description: <i>Promissory Note in the amount of \$135,000.00 on 17.50 acres</i> Filed by Edward C. Hay Jr. on behalf of Mortgage Miracles, Inc.. Hearing scheduled for 8/22/2001 at 09:30 AM at 1-Main Courtroom First Floor. (edc,) - CORRECTIVE ENTRY: INCORRECT PDF FILE ATTACHED; CORRECT PDF FILE IS NOW ATTACHED Modified on 8/8/2001 (edc,). Additional attachment(s) added on 8/8/2001 (edc,). (Entered: 08/06/2001)

08/03/2001		Receipt of Motion RS Filing Fee. Receipt Number 6010; Fee Amount \$ 75 (related document(s) <u>14</u>). (edc,) (Entered: 08/07/2001)
08/08/2001	<u>15</u>	Clerk's Entry to Denote Correction to Docket - (related document(s) <u>14</u>) - CORRECTIVE ENTRY: INCORRECT PDF FILE ATTACHED; CORRECT PDF FILE IS NOW ATTACHED. (edc,) (Entered: 08/08/2001)
08/21/2001		Disposition of Hearing Continued/Rescheduled (Number Times Continued: 0) (related document(s) <u>11</u>). Hearing scheduled for 9/18/2001 at 10:00 AM at 1-Main Courtroom First Floor. (edc,) (Entered: 08/28/2001)
08/22/2001		Disposition of Hearing Continued/Rescheduled (Number Times Continued: 0) (related document(s) <u>14</u>). Hearing scheduled for 9/18/2001 at 10:00 AM at 1-Main Courtroom First Floor. (edc,) - FOR FINAL HEARING (Entered: 08/29/2001)
08/22/2001	<u>16</u>	Response/Objection (related document(s) <u>14</u>) Filed by Summit Place, LLC. (edc,) (Entered: 08/29/2001)
09/04/2001	<u>17</u>	Amendment to Motion for Relief from the Section 362 Automatic Stay and Notice of Hearing on 9/18/2001 @ 10:00 a.m.(related document(s) <u>14</u>) filed by Edward C. Hay Jr. on behalf of Mortgage Miracles, Inc. . (edc,) (Entered: 09/11/2001)
09/14/2001	<u>18</u>	Motion to Appoint Chapter 11 Trustee, Motion to Convert Case from Chapter 11 to Chapter 7 (Receipt Number N/A, Fee Amount \$ 0.00) Filed by Linda W. Simpson on behalf of Office of the Bankruptcy Administrator. Hearing scheduled for 10/17/2001 at 09:30 AM at 1-Main Courtroom First Floor. (edc,) (Entered: 09/18/2001)
09/18/2001		Disposition of Hearing Held (related document(s) <u>14</u> , <u>11</u>) - GRANT RELIEF SUSPED FOR 30 DAYS. (edc,) (Entered: 09/22/2001)
09/20/2001	<u>19</u>	Notice of Hearing (BA Motion) with BNC Certificate of Service Service Date 09/20/01. (Admin.) (Entered: 09/21/2001)
09/26/2001	<u>20</u>	Order Granting Motion for Relief from Stay, effective at midnight October 18, 2001 (Related Doc # <u>11</u>) Served On: PINKSTON (edc,) (Entered: 09/26/2001)
10/03/2001	<u>21</u>	<i>Lloyd T. Whitaker's Memorandum in Support of Bankruptcy Administrator's Motion to Appoint Chapter 11 Trustee</i> (related document(s) <u>18</u>) filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 10/03/2001)
10/03/2001	<u>22</u>	<i>Motion of Lloyd T. Whitaker for Further Extension of the Suspended Periods in Effect on Orders Granting Relief from Stay for Mary Lou Morrow Soesbee/James B. Soesbee and Mortgage Miracles, Inc.</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 10/03/2001)
10/04/2001	<u>23</u>	Order Granting Motion for Relief from Stay, effective at midnight on October 18, 2001 (Related Doc # <u>14</u>) Served On: HAY (edc,) (Entered: 10/04/2001)
10/04/2001	<u>24</u>	Response/Objection to Bankruptcy Administrator's Motion (related document(s) <u>18</u>) Filed by Summit Place, LLC. (sll,) (Entered: 10/05/2001)
10/17/2001		Disposition of Hearing Held (related document(s) <u>18</u>).- GRANTED; APPOINT MR. WHITAKER - DO NOT STAY FORECLOSURES; HOLD MOTION #22 IN ABEYANCE UNTIL NOTICED FOR HEARING (edc,) (Entered: 10/22/2001)
		Joint Motion For Examination of Frank A. Valadini, President of Mortgage Miracles, Inc. Pursuant to Federal Rule of Bankruptcy Procedures 2004 - If a response or objection is filed - DUE: Not included, a hearing will be held on DATE: Not Included, TIME: Not Included, LOCATION: Not Included Filed by Payton F. Adams, Lloyd T. Whitaker. (edc,) (Entered: 10/22/2001)

10/22/2001	<u>25</u>	10/23/2001)
10/23/2001	<u>26</u>	Order Granting Motion for Examination of 2004 of Frank A. Vadini (Related Doc # <u>25</u>) Served On: SIMPSON, GRAY, COOPER, RIDGE, HAY, WHITAKER, BRAMLETT, VALDINI (edc,) (Entered: 10/23/2001)
10/24/2001	<u>27</u>	Joint Motion of Chapter 11 Trustee in Each Case For Authorization to Obtain Credit From Payton Adams - If a response or objection is filed - DUE: 11/8/01, a hearing will be held on DATE: <i>hearing will be noticed only to the party or parties who timely object</i> , TIME:, LOCATION: Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 10/24/2001)
11/08/2001	<u>28</u>	Application w/Affidavit to Employ Attorney Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 11/08/2001)
11/08/2001	<u>29</u>	Application w/Affidavit to Employ Professional (<i>David Crumpton, CPA</i>) Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 11/08/2001)
11/20/2001	<u>30</u>	Order Granting Application to Employ Attorney Alala Mullen Holland & Copper, PA as Attorney for Trustee (Related Doc # <u>28</u>) Served On: COOPER (edc,) (Entered: 11/20/2001)
11/20/2001	<u>31</u>	Order Granting Motion To Obtain Credit from Payton Adams (Related Doc # <u>27</u>) Served On: COOPER (edc,) (Entered: 11/20/2001)
11/20/2001	<u>32</u>	Order Granting Application to Employ (Related Doc # <u>29</u>) Served On: COOPER (edc,) (Entered: 11/20/2001)
11/29/2001	<u>33</u>	Order Granting Motion to Appoint Chapter 11 Trustee, Lloyd Whitaker, Mooting Motion to Convert Case to Chapter 7 (Related Doc # <u>18</u>) Served On: COOPER (edc,) (Entered: 11/29/2001)
11/30/2001	<u>34</u>	Complaint and Motion for Preliminary Injunction by Lloyd T. Whitaker against Mortgage Miracles, Inc. - Receipt Number DEF, Fee Amount \$ 150. Pre-Trial Order due by 3/30/2002. (Cooper, Langdon) (Entered: 11/30/2001)
11/30/2001		Clerk's Event to Set Adversary Deadlines in Adversary Proceeding Number 01-1026; Judge George R. Hodges Assigned.. (sll,) (Entered: 12/04/2001)
12/04/2001	<u>35</u>	Application w/Affidavit to Employ Professional (<i>Real Estate Development Consultant</i>) Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 12/04/2001)
12/07/2001	<u>36</u>	Order authorizing appointment of Real Estate Development Consultant (related document(s) <u>35</u>) Served On: Cooper (sym,) (Entered: 12/07/2001)
01/04/2002	<u>37</u>	Motion of Trustee for Authority to Borrow and to Grant Deeds of Trust to the Lender; and to Grant the Trustee Relief from the Prior Orders of the Court Granting Mortgage Miracles and Soesbee Relief from Stay Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 1/23/2002 at 10:00 AM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 01/04/2002)
01/15/2002	<u>38</u>	Response/Objection (related document(s) <u>37</u>) Filed by Mark A. Pinkston on behalf of James B. Soesbee. (edc,) (Entered: 01/17/2002)
01/16/2002	<u>39</u>	Motion To Withdraw as Counsel - If a response or objection is filed - DUE: 23 days, a hearing will be held on DATE: 2/20/2002, TIME: 9:30 a.m., LOCATION: U. S. Bankruptcy Court, 100 Otis St., Asheville, NC Filed by David G. Gray on behalf of Summit Place, LLC. (edc,) (Entered: 01/22/2002)

01/23/2002		Disposition of Hearing Held (related document(s) <u>37</u>). - GRANTED (edc,) (Entered: 01/25/2002)
01/30/2002	<u>40</u>	Motion to Convert Case from Chapter 11 to One Under Chapter 7 (Receipt Number DEF, Fee Amount \$ 15) Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 2/20/2002 at 09:30 AM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 01/30/2002)
01/30/2002	<u>41</u>	Affidavit of Fee Deferral (related document(s) <u>40</u>) filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 01/30/2002)
02/01/2002	<u>42</u>	Objection and/or Request for Hearing <i>Limited Objection to Motion to Withdraw</i> (related document(s) <u>39</u>) Filed by Linda W. Simpson. Hearing scheduled for 2/20/2002 at 09:30 AM at 1-Main Courtroom First Floor. (Simpson, Linda) (Entered: 02/01/2002)
02/05/2002	<u>43</u>	Order Granting Motion(Related Doc # <u>37</u>) and Granting the Trustee relief from the prior Order of the court Granting Mortgage Miracles and Soesbee Relief from Stay Served On: COOPER (edc,) (Entered: 02/05/2002)
02/08/2002	<u>44</u>	<i>Response to limited objection to motion to withdraw</i> (related document(s) <u>42</u>) Filed by David G. Gray on behalf of Summit Place, LLC. (Attachments: <u>1 2</u>) (Gray, David) (Entered: 02/08/2002)
02/13/2002	<u>45</u>	<i>Motion of Trustee for Order Requiring Mortgage Miracles to Provide the Trustee with a Correct Payoff, to Show Cause Why it Should Not be Held in Contempt and for Sanctions</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 2/20/2002 at 09:30 AM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 02/13/2002)
02/20/2002	<u>46</u>	Order Granting Chapter 11 Trustee's Motion To Convert Case To One Under Chapter 7 And Appointing Lloyd T. Whitaker As Chapter 7 Trustee. (Related Doc # <u>40</u>) Status due by 6/20/2002, Statement of Intent due 3/22/2002, Rule 1019 Report due by 3/7/2002. Served On: Cooper (sym,) (Entered: 02/20/2002)
02/20/2002		Disposition of Hearing Held -GRANTED (related document(s) <u>39, 40</u>). (sym,) (Entered: 02/21/2002)
02/20/2002		Disposition of Hearing Held -GRANTED WITH MODIFICATIONS (related document(s) <u>45</u>). (sym,) (Entered: 02/21/2002)
02/20/2002		Disposition of Hearing Held -CONDITIONALLY GRANT VERBAL MOTION - ALLOW SCHEDULE OF PAYMENTS TO SOESBEE TO BE MOVED FROM 03/01/02 TO 03/15/02 AND PAYMENTS TO BE DUE EACH MONTH ON THE 15TH. (related document(s) <u>43</u>). (sym,) (Entered: 02/22/2002)
02/21/2002	<u>47</u>	<i>Motion for Authority to Conduct Business</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 02/21/2002)
02/25/2002	<u>48</u>	Order Authorizing Trustee To Conduct Business (Related Doc # <u>47</u>) Served On: Cooper (sym,) (Entered: 02/25/2002)
02/25/2002	<u>49</u>	Order Allowing Withdrawal As Attorney Of Record For Debtor (Related Doc # <u>39</u>) Served On: Gray (sym,) (Entered: 02/25/2002)
02/25/2002	<u>50</u>	Application w/Affidavit to Employ Attorney for Chapter 7 Trustee Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 02/25/2002)
		Application w/Affidavit to Employ Professional Accountant for Chapter 7 Trustee Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 02/25/2002)

02/25/2002	<u>51</u>	02/25/2002)
02/25/2002		Clerk's Entry to Denote Correction to Docket -CORRECTIVE ENTRY: CHANGED FROM CREDITOR MATRIX AND DISK DUE 2/28/2002 TO CREDITOR MATRIX AND DISK NOT DUE; THESE ITEMS ARE NOT DEFICIENT. (Related Documents [Request BNC Notice of Deficiency]). (sym,) (Entered: 02/25/2002)
02/25/2002		Clerk's Entry to Denote Correction to Docket -CORRECTIVE ENTRY: THIS REQUEST WAS DELETED BY MISTAKE AND WAS NEVER GENERATED; WILL SUBMIT NEW REQUEST. (Related Documents[Request for BNC Order and Notice of 341 (a) Meeting of Creditors (Chapter 7)]) (sym,) (Entered: 02/25/2002)
02/25/2002	<u>52</u>	Order Granting Motion Of Trustee For Order Requiring Mortgage Miracles To Provide The Trustee With A Correct Payoff (Related Doc # <u>45</u>) Served On: Cooper (sym,) (Entered: 02/25/2002)
02/27/2002	<u>53</u>	Order Authorizing Appointment Of Accountant, David H. Crumpton, CPA (Related Doc # <u>51</u>) Served On: Cooper (sym,) (Entered: 02/27/2002)
02/27/2002	<u>54</u>	Order Authorizing Appointment Of Attorney, Alala Mullen Holland & Cooper P.A. (Related Doc # <u>50</u>) Served On: Cooper (sym,) (Entered: 02/27/2002)
02/27/2002	<u>55</u>	Order and Notice of 341(a) Meeting w/BNC Certificate of Service Service Date 02/27/02. (Admin.) (Entered: 02/28/2002)
02/27/2002	<u>56</u>	Notice of Deficiency with BNC Certificate of Service Service Date 02/27/02. (Admin.) (Entered: 02/28/2002)
03/06/2002	<u>57</u>	Application w/Affidavit to Employ Professional (<i>Real Estate Development Consultant</i>) Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 03/06/2002)
03/10/2002	<u>58</u>	Motion of Trustee to Change Date of First Meeting of Creditors Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 03/10/2002)
03/11/2002	<u>59</u>	Rule 1019 Report filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 03/11/2002)
03/13/2002	<u>60</u>	Order Granting Application to Employ Real Estate Development Consultant(Related Doc # <u>57</u>) Served On: COOPER (smr,) (Entered: 03/13/2002)
03/13/2002	<u>61</u>	Order Granting Motion TO CHANGE DATE FOR FIRST MEETING OF CREDITORS - CORRECTIVE ENTRY: CHANGED FIRST MEETING OF CREDITORS FROM MARCH 27, 2002 TO MARCH 20, 2002 (Related Doc # <u>58</u>) Served On: Cooper (sym,) Modified on 3/13/2002 (sym,). (Entered: 03/13/2002)
03/13/2002		Clerk's Entry to Denote Correction to Docket -CHANGED FIRST MEETING OF CREDITORS FROM MARCH 27, 2002 TO MARCH 20, 2002 (related document(s) <u>61</u>). (sym,) (Entered: 03/13/2002)
03/25/2002		Memorandum from 341(a) Meeting of Creditors Held - 3/20/02; <i>Debtor not sworn</i> (Cooper, Langdon) (Entered: 03/25/2002)
05/15/2002	<u>62</u>	Trustee's Notice of Possible Dividends and Request for Notice to Creditors (Cooper, Langdon) (Entered: 05/15/2002)
05/18/2002	<u>63</u>	Notice to Creditors of Possible Dividends and Setting Claims Bar Date with BNC Certificate of Service Service Date 05/18/02. (Admin.) (Entered: 05/19/2002)

09/09/2002	<u>64</u>	Application w/Affidavit to Employ Professional <i>to Prepare All Tax Returns for the Estate</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Attachments: <u>1</u> Proposed Order Authorizing Employment of Professional to Prepare All Tax Returns for the Estate) (Cooper, Langdon) (Entered: 09/09/2002)
09/10/2002	<u>65</u>	Order Granting Application to Employ Accountant (Related Doc # <u>64</u>) Served On: Cooper (sym,) (Entered: 09/10/2002)
11/20/2002	<u>66</u>	Application w/Affidavit to Employ Professional (<i>Real Estate Appraiser</i>) Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Attachments: <u>1</u> Proposed Order Authorizing Appointment of Appraiser) (Cooper, Langdon) (Entered: 11/20/2002)
11/21/2002	<u>67</u>	Order Authorizing Appointment Of Real Estate Appraiser (Related Doc # <u>66</u>) Served On: Cooper (sym,) (Entered: 11/21/2002)
12/10/2002	<u>68</u>	Application for Compensation to: <i>Mickey Foster of Foster Real Estate Appraisers, Inc.</i> , Fee: \$7,000.00, Expenses: -0-. If a response or objection is filed - DUE: <i>Notice of Opportunity for Hearing Docketed Separately</i> , a hearing will be held on DATE:, TIME:, LOCATION: Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 12/10/2002)
12/10/2002	<u>69</u>	Application for Compensation to: <i>F. Warren Neel of Neel Development Corporation</i> , Fee: \$2,775.00, Expenses: -0-. If a response or objection is filed - DUE: <i>Notice of Opportunity for Hearing docketed separately</i> , a hearing will be held on DATE:, TIME:, LOCATION: Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 12/10/2002)
12/10/2002	<u>70</u>	Notice of Opportunity for Hearing. If a response or objection is filed DUE: <i>12/30/02</i> a hearing will be held on DATE: <i>1/7/03</i> , TIME: <i>10:00 a.m.</i> , LOCATION: <i>100 Otis Street, Asheville, NC 28801</i> (related document(s) <u>68</u> , <u>69</u>) filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 12/10/2002)
01/06/2003	<u>71</u>	Order Granting Application for Compensation; \$2775.00 to F. Warren Neel (Related Doc # <u>69</u>) Served On: Cooper (sym,) (Entered: 01/06/2003)
01/06/2003	<u>72</u>	Order Granting Application for Compensation; \$7000.00 to Mickey Foster (Related Doc # <u>68</u>) Served On: Cooper (sym,) (Entered: 01/06/2003)
01/07/2003	<u>73</u>	Amended Order Allowing Distribution Of Fees And Expenses To Real Estate Development Consultant (related document(s) <u>69</u>) Served On: Cooper (sym,) (Entered: 01/07/2003)
02/22/2003	<u>74</u>	<i>Complaint to determine validity, priority, extent and amount of liens and interests in property; to sell real property under 11 U.S.C. Section 363 free and clear of liens; and to avoid and recover an avoidable transfer</i> by Lloyd T. Whitaker against Payton F. Adams, James B. Soesbee, RCF, Inc., Mortgage Miracles, Inc., Sechser Precision Surveying & Mapping, PLLC, George E. Ridge, T. Michael Jordan, John C. Kersten, Douglas O. Thigpen - Receipt Number CC, Fee Amount \$ 150. Pre-Trial Order due by 6/23/2003. (Cooper, Langdon) - CORRECTIVE ENTRY: TO ADD NATURE OF SUIT 435 TO DOCKET TEXT Modified on 2/24/2003 (sym,). (Entered: 02/22/2003)
02/22/2003	<u>75</u>	Motion to Sell Property: <i>at Private Sale (Willow Estates)</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 3/18/2003 at 01:30 PM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 02/22/2003)
02/22/2003		Clerk's Event to Set Adversary Deadlines in Adversary Proceeding Number 03-1011; Judge George R. Hodges Assigned. Initial DQA Completed. (sym,) (Entered: 02/24/2003)
02/24/2003		Clerk's Entry to Denote Correction to Docket - CORRECTIVE ENTRY: TO ADD NATURE OF SUIT 435 TO DOCKET TEXT (related document(s) <u>74</u>). (sym,) (Entered: 02/24/2003)

03/05/2003	<u>76</u>	Complaint to determine tax liability under 11 USC Sect. 505; and to determine validity, priority, extent and amount of lien in real property; and motion to transfer lien to sales proceeds by Lloyd T. Whitaker against Haywood County, David B. Francis - Receipt Number CC, Fee Amount \$ 150. Pre-Trial Order due by 7/3/2003. (Cooper, Langdon) -CORRECTIVE ENTRY: TO ADD NATURE OF SUIT 435 Modified on 3/6/2003 (sym,). (Entered: 03/05/2003)
03/05/2003		Clerk's Event to Set Adversary Deadlines in Adversary Proceeding Number 03-1012; Judge George R. Hodges Assigned. Initial DQA Completed. (sym,) (Entered: 03/06/2003)
03/05/2003	<u>77</u>	Notice of Hearing (related document(s) <u>75</u>) filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 3/18/2003 at 01:30 PM at I-Main Courtroom First Floor. (syn,) (Entered: 03/07/2003)
03/06/2003		Clerk's Entry to Denote Correction to Docket - CORRECTIVE ENTRY: TO ADD NATURE OF SUIT 435 (related document(s) <u>76</u>). (sym,) (Entered: 03/06/2003)
03/14/2003	<u>78</u>	Response/Objection (related document(s) <u>75</u>) Filed by Mark A. Pinkston on behalf of James B. Soesbee. (sym,) (Entered: 03/14/2003)
03/17/2003	<u>79</u>	Motion of Trustee for Approval of Compromise Settlement of Controversy - If a response or objection is filed - DUE: 4/15/03, a hearing will be held on DATE: 4/23/03, TIME: 9:30 a.m., LOCATION: 100 Otis Avenue, Asheville, NC 28801 Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 03/17/2003)
03/17/2003	<u>82</u>	Notice of Appearance filed by Lou M. Agosto on behalf of David B. Francis, County of Haywood. (sym,) (Entered: 03/19/2003)
03/18/2003	<u>81</u>	Order Authorizing And Confirming Private Sale Of Property (related document(s) <u>75</u>) Served On: Cooper (sym,) (Entered: 03/18/2003)
03/18/2003		Clerk's Entry to Denote Correction to Docket - CORRECTIVE ENTRY: DOCKETED IN THIS CASE IN ERROR; SEE ADVERSARY PROCEEDING 03-1011; RELATIONSHIP TO DOCUMENT <u>75</u> HAS BEEN TERMINATED (Related Document <u>80</u>). (sym,) (Entered: 03/18/2003)
03/18/2003		Disposition of hearing held before the Honorable George R. Hodges: APPROVED (related document(s) <u>75</u>). (rec,) (Entered: 03/18/2003)
04/17/2003	<u>84</u>	Order Approving Compromise Settlement Of Controversy With Gloria Trull; Fees Awarded (Related Doc # <u>79</u>) Served On: Cooper (sym,) (Entered: 04/17/2003)
12/14/2003		Trustee's Request for Claims & Notice Fees Due the Court (Cooper, Langdon) (Entered: 12/14/2003)
12/15/2003	<u>85</u>	Clerk's Certification of Fees Due . (sym,) (Entered: 12/15/2003)
12/17/2003	<u>86</u>	Trustee's Final Report and Account and Application for Professional Fees. If a response or objection is filed - DUE: Notice of Hearing docketed separately, a hearing will be held on DATE:, TIME:, LOCATION: (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>87</u>	Trustee's Application for Professional Fees of Alala Mullen Holland & Cooper P.A.. If a response or objection is filed - DUE: Notice of Hearing docketed separately, a hearing will be held on DATE:, TIME:, LOCATION: (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>88</u>	Trustee's Application for Professional Fees of Chapter 7 Trustee. If a response or objection is filed - DUE: Notice of Hearing docketed separately, a hearing will be held on DATE:, TIME:, LOCATION: (Cooper, Langdon) (Entered: 12/17/2003)

12/17/2003	<u>89</u>	Trustee's Application for Professional Fees of <i>David H. Crumpton, Accountant to Trustee</i> . If a response or objection is filed - DUE: <i>Notice of Hearing docketed separately</i> , a hearing will be held on DATE:, TIME:, LOCATION: (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>90</u>	Trustee's Application for Professional Fees of <i>Rodl Langford DeKock, LP, accountant for Chapter 7 Trustee</i> . If a response or objection is filed - DUE: <i>Notice of Hearing docketed separately</i> , a hearing will be held on DATE:, TIME:, LOCATION: (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>91</u>	Notice of Hearing (related document(s): <u>86</u> Final Report and Account, <u>87</u> Chapter 7 Fee Application (Other Professional), <u>88</u> Chapter 7 Fee Application (Other Professional), <u>89</u> Chapter 7 Fee Application (Other Professional),, <u>90</u> Chapter 7 Fee Application (Other Professional),) on <i>Trustee's Final Report and Accounting, Trustee's Application to Close Estate, Disburse Funds, Abandon Property and for Discharge and Application for Trustee's Fees and Application of Trustee's Professionals and Trustee's Objection to Claims and his Motion for Allowance and Disallowance of Claims</i> (RE: related document(s) <u>86</u> Final Report and Account, <u>87</u> Chapter 7 Fee Application (Other Professional), <u>88</u> Chapter 7 Fee Application (Other Professional), <u>89</u> Chapter 7 Fee Application (Other Professional),, <u>90</u> Chapter 7 Fee Application (Other Professional),) filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 1/21/2004 at 01:30 PM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>92</u>	<i>Motion for Authorization to Return Funds to Payton F. Adams</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. Hearing scheduled for 1/21/2004 at 01:30 PM at 1-Main Courtroom First Floor. (Cooper, Langdon) (Entered: 12/17/2003)
12/17/2003	<u>93</u>	Clerk's Amended Certification of Fees Due. (sym,) (Entered: 12/17/2003)
01/21/2004		Disposition of hearing held before the Honorable George R. Hodges: APPROVED (RE: related document(s) <u>86</u> Final Report and Account, <u>92</u> Motion For Professional Fees filed by Trustee Lloyd T. Whitaker, <u>87</u> Chapter 7 Fee Application (Other Professional), <u>88</u> Chapter 7 Fee Application (Other Professional), <u>89</u> Chapter 7 Fee Application (Other Professional), <u>90</u> Chapter 7 Fee Application (Other Professional),). (sym,) (Entered: 01/21/2004)
01/22/2004	<u>94</u>	BA Certification of Final Report (JLBramlett, BA1) (Entered: 01/22/2004)
01/23/2004	<u>101</u>	Order Granting Motion For Authorization To Return Funds To Payton F. Adams (Related Doc # <u>92</u>) Served On: Cooper (sym,) (Entered: 01/23/2004)
01/23/2004	<u>102</u>	Order Allowing Distribution Of Compensation To Alala Mullen Holland & Cooper P.A. As Counsel To The Chapter 7 And 11 Trustee (RE: related document(s) <u>87</u> Chapter 7 Fee Application) Served On: Cooper (sym,) (Entered: 01/23/2004)
01/23/2004	<u>103</u>	Order Allowing Distribution Of Compensation As Chapter 7 Trustee (RE: related document(s) <u>88</u> Chapter 7 Fee Application) Served On: Cooper (sym,) (Entered: 01/23/2004)
01/23/2004	<u>104</u>	Order Allowing Distribution Of Compensation As Accountant (David H. Crumpton) For Chapter 7 Trustee (RE: related document(s) <u>89</u> Chapter 7 Fee Application) Served On: Cooper (sym,) (Entered: 01/23/2004)
01/23/2004	<u>105</u>	Order Allowing Distribution Of Compensation As Accountant For Chapter 7 Trustee (RE: related document(s) <u>90</u> Chapter 7 Fee Application) Served On: Cooper (sym,) (Entered: 01/23/2004)
		Order Approving Final Report and Awarding Compensation to Professional(s) for Langdon M. Cooper, Trustee's Attorney, Fees awarded: \$35613.89, Expenses awarded: \$0.00; for William Bradfield, Accountant, Fees awarded: \$2000.00, Expenses awarded: \$0.00; for David H. Crumpton, Accountant, Fees awarded: \$10000.00, Expenses awarded: \$0.00; for Mickey Foster, Appraiser, Fees awarded: \$7000.00, Expenses awarded: \$0.00; for F. Warren Neel, Realtor, Fees awarded: \$2775.00, Expenses awarded: \$0.00; for Lloyd T. Whitaker, Trustee

01/23/2004	<u>106</u>	Chapter 7, Fees awarded: \$36484.00, Expenses awarded: \$165.00; Awarded on 1/23/2004 (RE: related document(s) <u>86</u> Final Report and Account) Served On: Cooper (sym,) (Entered: 01/23/2004)
01/29/2004	<u>107</u>	Motion <i>for Authority to Distribute Remaining Funds</i> Filed by Langdon M. Cooper on behalf of Lloyd T. Whitaker. (Cooper, Langdon) (Entered: 01/29/2004)
01/30/2004	<u>109</u>	Order Granting Motion To Authorize Distribution Of Remaining Funds (Related Doc # <u>107</u>) Served On: Cooper (sym,) (Entered: 01/30/2004)
07/22/2004	<u>110</u>	Trustee's Rule 3011 Report (Cooper, Langdon) (Entered: 07/22/2004)
02/23/2005	<u>111</u>	BA Certification of 3011 Report (Attachments: <u>1</u> SARD REPORT)(Mallos, BA) (Entered: 02/23/2005)
02/24/2005	<u>112</u>	BNC Final Decree Closing Case. (sym,) (Entered: 02/24/2005)
02/26/2005	<u>113</u>	BNC Certificate of Service of Final Decree . Service Date 02/26/2005. (Admin.) (Entered: 02/27/2005)

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